

CAUSE NO. 14-17-00685-CR

NELSON GARCIA DIAZ

Appellant

VS.

THE STATE OF TEXAS,

Appellee

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IN THE FOURTEENTH

FILED IN
14th COURT OF APPEALS

HOUSTON, TEXAS

COURT OF APPEALS

4/9/2018 10:19:57 AM
CHRISTOPHER A. PRINE
Clerk

IN HARRIS COUNTY, TEXAS

MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW, NELSON GARCIA DIAZ, Appellant, and files this Motion for Extension of Time to File Appellant's Brief, pursuant to Rules 10.5(b) and 38.6(d), Texas Rules of Appellate Procedure. In support of this Motion, Appellant would show the following:

I.

Appellant's brief is due to be filed on April 9, 2018. Counsel for Appellant requires an extension of sixty (60) days in which to complete and file Appellant's brief in this cause.

II.

Counsel for Appellant has worked diligently on the brief since receiving the record, but has been unable to complete it for the following reasons:

1. On March 2, 2018, counsel for appellant was in a conference with the Harris County District Attorney's office for the case styled, *State of Texas v. Moses Rios*; Cause No. 1551587.

2. On March 14, 2018 counsel for defendant appeared before Judge Bryan in the case styled, *United States of America v. Dommonick Andrews*; No. 4:18-cr-46-4 for an arraignment hearing.
3. From March 14, 2018 to March 18, 2018, counsel for defendant was out of town on a pre-planned family vacation.
4. On March 20, 2018 counsel for defendant attended a family law trial in the 245th District Court, Honorable Judge Roy L. Moore presiding.
5. On March 9, 2018, counsel for defendant filed a Petition for Discretionary Review in the case styled, *Dennis Anthony Williams v. The State of Texas*; PD-0268-18, in the Court of Criminal Appeals.
6. On March 15, 2018, counsel for defendant filed a Petition for Discretionary Review in the case styled, *Ricardo Vela v. The State of Texas*; No. PD-0282-18, in the Court of Criminal Appeals.
7. On March 29, 2018, counsel for defendant was in a meeting at the US Attorney's Office from 10:00 a.m. to 3:00 p.m.
8. On April 4, 2018 counsel for defendant filed a Petition for Discretionary Review in the case styled, *Gage Spiers v. The State of Texas*; No. PD-0358-18 in the Court of Criminal Appeals.

III.

This request is not made for the purpose of delay, but rather this request is made to allow counsel adequate time to prepare Appellant's Brief. Appellant moves this Court for an order granting a sixty (60) day extension for Appellant to submit the brief in this case.

WHEREFORE, PREMISES CONSIDERED, Appellant moves this Court for an order granting an extension of sixty (60) days for Appellant to submit the brief in this case.

Respectfully submitted,

/s/ Nicole DeBorde

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COUNSEL FOR APPELLANT,
NELSON GARCIA DIAZ

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Extension of Time to File Appellant's Brief was delivered via email deliver through efiletexas.gov to Kim K. Ogg, Harris County District Attorney, and Eric Kugler, Harris County Assistant District Attorney on this 9th day of April, 2018.

/s/ Nicole DeBorde
NICOLE DEBORDE